

REMARKS

This application has been carefully reviewed in light of the Office Action dated October 7, 2008. Claims 1-20 remain in the application, with claim 20 having been withdrawn from consideration. Claims 1 and 11 are the independent claims. Claims 1 and 11 are amended herein. No claims have been canceled and no new claims have been added. Reconsideration and further examination are respectfully requested.

Claims 1 and 11 have been amended to correct typographical errors. No new matter is believed to have been introduced to the application by this amendment. The changes to the claims are fully supported by the original disclosure, including, for example, original paragraph [0011] and original claims 1 and 11.

Claim Rejections – 35 USC § 103

Claims 1, 5-11 and 15-19 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 5,301,538 (“Recla”) in view of U.S. Patent No. 5,747,348 (“Jaduszliwer”). Reconsideration and withdrawal of these rejections are respectfully requested.

Amended independent claim 1 generally concerns a fuel monitoring system for use in a transportation system. The fuel monitoring system includes a fuel leak detector. The fuel leak detector includes a colorimetric chemical monitor configured to change color in response to presence of a fuel. The fuel leak detector further includes an optical reader configured to monitor a color of the colorimetric chemical monitor based on an intensity of reflected light from the colorimetric chemical monitor, the reflected light corresponding to two light paths. The fuel monitoring system further includes an alarm system in electronic communication with the fuel

leak detector and configured to provide an alarm when a color of the colorimetric chemical monitor changes by a predetermined amount.

Amended independent claim 11 generally concerns a method for detecting leakage of a hypergolic fuel system. The method includes monitoring an intensity of reflected light from a colorimetric chemical monitor with an optical reader, the reflected light corresponding to two light paths. In addition, the method includes determining a fuel leak when the intensity of reflected light drops below a predetermined threshold.

The applied references are not seen to disclose or suggest the foregoing features of the claimed invention. In particular, the applied references are not seen to disclose or suggest, whether taken alone or in combination, at least the following features:

monitoring a color of the colorimetric chemical monitor based on an intensity of reflected light from the colorimetric chemical monitor, the reflected light corresponding to two light paths (see claim 1); or

monitoring an intensity of reflected light from a colorimetric chemical monitor with an optical reader, the reflected light corresponding to two light paths (see claim 11).

Turning to the applied references, Recla discloses a dual, periodic air-sampling system for small leaks, combined with constant displacement or aspiration of continual flow of a column of air. See Recla, column 1, lines 41 to 44. However, as conceded in the Office Action, Recla is silent as to the claimed colorimetric chemical monitor. In fact, Recla is entirely silent as to the feature of color, light, or intensity. Correspondingly, Recla is not seen to disclose or suggest monitoring a color of the colorimetric chemical monitor based on an intensity of reflected light from the colorimetric chemical monitor or monitoring an intensity of reflected light from a

colorimetric chemical monitor with an optical reader, where the reflected light corresponds to two light paths.

Jaduszliwer was cited in combination with Recla to remedy the deficiencies noted above. In particular, the Office Action referenced column 1, lines 65 to 66 of Jaduszliwer as teaching “propellants can be measured by a ‘... colorimetric tape moves at a constant ra[t]e past an air intake.’ The paper tape is impregnated with the appropriate colorimetric indicators.” See Office Action, page 3. However, Jaduszliwer does not disclose reflected light corresponding to two light paths. In fact, Jaduszliwer fails to make any mention of light paths, let alone disclose reflected light corresponding to two light paths. Accordingly, Jaduszliwer is not seen to disclose or suggest monitoring a color of the colorimetric chemical monitor based on an intensity of reflected light from the colorimetric chemical monitor or monitoring an intensity of reflected light from a colorimetric chemical monitor with an optical reader, where the reflected light corresponds to two light paths.

Furthermore, Applicants respectfully remind the Examiner that “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).” See MPEP § 2143.03. Applicants also note that it is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply. See MPEP § 706.02(j). In the Office Action, the Examiner fails to specifically identify which features of the claims are allegedly disclosed by Recla or Jaduszliwer. For example, it is unclear which features of claims 5-11 and 15-19 are allegedly disclosed by either Recla or Jaduszliwer.

Accordingly, the applied references, either alone or in combination, are not understood to disclose, teach, or suggest the features of independent claims 1 and 11, which are believed to be in condition for allowance. The other claims currently under consideration in the application are dependent from independent claim 1 or 11 discussed above and therefore are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience. Applicant's undersigned attorney may be contacted at the address and telephone number set forth below.

Claims 2-4 and 12-14 have been indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for the indicated allowable subject matter. Applicants have not rewritten these claims in independent form at this time, as all claims in the application are believed to be in condition for allowance, as discussed above.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 501216 and please credit any excess fees to such deposit account.

Respectfully submitted,

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